

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1731

In re Application of: Margaret M. Ward, et al.

Group Art Unit: 1731

Serial No.: 09/712,808

Examiner: Mark Halpern

Filed: November 14, 2000

Our Account No.: 04-1403

Confirmation No.: 9551

Title: Enhanced Multi-Ply Tissue Products

#9

RECEIVED
JAN 16 2003
TECHNOLOGY CENTER 1100Commissioner for Patents
U.S. Patent and Trademark Office
Washington, DC 20231**REQUEST FOR RECONSIDERATION**

This is a response in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

Fee requirements (if any) have been calculated as shown below:

	Claims remaining after amendment	Highest number previously paid for	Present Extra		Additional Fee
Total Effective Claims	16	minus 20	= 0	x \$18 =	\$.00
Independent Claims	3	minus 3	= 0	x \$84 =	\$.00
If amendment enters <u>proper</u> multiple dependent claim(s) into this application for <u>first</u> time, add \$270.00 (per application)					\$.00
Since Official Action set an <u>original</u> due date of <u>January 1, 2003</u> , PETITION is hereby made for an extension to cover the date this response is filed for which the requisite fee is enclosed (1 month \$110; 2 months \$400; 3 months \$920; 4 months \$1440)					\$ 110.00
If Terminal Disclaimer enclosed, add Rule 20(d) Official Fee (\$110.00)					\$.00
SUBTOTAL:					\$ 110.00
If "small entity" verified statement filed [] previously, [] herewith, enter one-half (1/2) of subtotal and <u>subtract</u>					\$.00
TOTAL:					\$ 110.00
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TOTAL FEE ENCLOSED: \$ 110.00

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

ADDRESS:
Post Office Box 1449
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Phone: 864-271-1592
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I hereby certify that this correspondence and any referenced attachment and fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents
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Washington, DC 20231.
on January 8, 2003.**DORITY & MANNING**
ATTORNEYS AT LAW, P.A.By Atty: Timothy A. Cassidy, Esq. Reg. No.: 38,024 Date: January 8, 2003Signature: [Signature]

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Sandra S. Perkins

(Typed or printed name of person mailing paper or fee)

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#9/BM
1-21-03

PATENT

ATTORNEY DOCKET NO.: KCX-117 (14096)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Margaret M. Ward, et al.)	Examiner: Mark Halpern
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REQUEST FOR RECONSIDERATION

Commissioner For Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

In response to the initial Office Action dated October 1, 2002, Applicants respectfully request reconsideration and allowance of the present application.

In the Office Action, claims 2, 3, 5-7, 9, 11-12, 14, and 15 were withdrawn from consideration as being directed to a non-elected species. In the Restriction Requirement dated July 16, 2002, it was indicated that claims 1, 8, 10, 13 and 16 are generic. Thus, if any of these claims are held allowable, then the non-elected species claim(s) should also be allowed.

In the Office Action, claims 1, 4, 8 and 13 were rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 6,277,241 to Merker. Claim 10 was rejected under 35 U.S.C. § 103 over Merker in view of U.S. Patent No. 5,904,812 to Salman, while claim 16 was rejected under 35 U.S.C. § 103 over Merker in view of U.S. Patent No. 4,355,021 to Mahl. In response, Applicants respectfully submit that none of the above-cited references anticipate or render obvious the currently pending claims.

The present invention as defined in claim 1 is directed to a composite tissue structure having at least three plies. A middle ply contained within the tissue structure has a thickness greater than the thickness of either of the outer plies and has a bulk that is greater than the bulk of either of the outer plies. Similarly, claim 13 is directed to a throughdried tissue also having a middle ply that has a thickness and bulk greater than the outer plies. Claim 16, the remaining independent claim, is directed to a method of manufacturing a tissue which includes the step of providing a thick middle ply having greater bulk than an outer ply. Claim 16 further requires the step of administering to the middle ply one or more chemical agents such as activated carbon, an antibacterial agent, or foam.

As stated in the present specification on page 12, tissue products with heterogeneous plies as defined in the claims may enhance the strength of the tissue without reducing the softness. Further, potentially harsh or irritating substances may be disguised or buried in the center of the tissue in order to provide a benefit to the user. Further, by placing a thick ply with increased bulk in between at least two plies, a tissue sandwich with a smooth surface and tactile impression of substance and resilience may be produced.

In comparison, the primary reference relied on in the Office Action, Merker, et al. is directed to a single ply base web that is subjected to a print creping process. Merker, et al. states that the web may be made from a "stratified fiber furnish having three principal layers." The three layers, however, are contained in a single ply. Since Merker, et al. fails to disclose a multiple ply product as defined in the currently pending claims, Applicants respectfully submit that Merker, et al. fails to anticipate any of the currently pending claims.

Further, Applicants also respectfully submit that it would not have been obvious to modify Merker, et al. to arrive at the claimed invention either when viewed alone or in conjunction with Salman and/or Mahl. For example, Merker, et al. is directed to subjecting single-ply webs to a print creping operation (see Figure 3).

Merker, et al. does state in column 8 that "when making a two-ply product, two base webs made according to the present invention may be brought together and joined along adjacent surfaces where the bonding material has not been applied." Such a

structure, however, as opposed to the currently pending claims would include plies that are identical in construction. Further, Merker, et al. does not disclose in column 8 a product containing more than two plies.

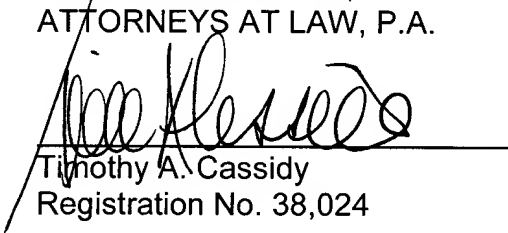
The remaining references cited in the Office Action Salman and Mahl fail to cure any of the above noted deficiencies of the base reference.

As such, it is believed that the claims as currently pending patentably define over the prior art of record and are in complete condition for allowance. Examiner Halpern, however, is invited and encouraged to telephone the undersigned should any issues remain after consideration of this response.

Respectfully submitted,

DORITY & MANNING,
ATTORNEYS AT LAW, P.A.

1/8/03
Date


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